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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,750	01/24/2002	Alexandre Plomteux	2626/OK230	9520

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EXAMINER
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SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/057,750

Applicant(s)

PLOMTEUX ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 289,295 and 299(figure 10). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 19(page 12, line 10), 43f(page 13, line 10), 43(page 13, line 10), 10(page 14, line 13), 151(page 19, line 3), 153(page 19, line 5), 211(page 19, line 13), 215(page 19, line 13), 217(page 19, line 13) and 228(page 19, line 16). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:  
reference character "21" has been used to designate both 'motor'(page 12, line 9) and 'opening'(page 12, line 25);  
reference character "77" has been used to designate both 'second end'(page 14, line 6) and 'piping'(page 14, line 21);  
reference character "89" has been used to designate 'first opening'(page 16, line 16), 'inlet opening'(page 17, line 1) and 'inlet'(page 17, line 4);

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:  
reference characters "21"(page 12, line 25) and "31"(page 13, line 7) have both been used to designate 'first opening';

reference characters "45"(page 13, line 10) and "44"(page 14, line 16) have both been used to designate 'lining'.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

5. The abstract of the disclosure is objected to because of the inclusion of legal phraseology: line 1, 'comprising', lines 3 and 4, 'means' and lines 7 and 10, 'said'. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 2, line 8, it is unclear as to what is meant by 'strait';

Line 8, 'fail' should be replaced with 'fails'.

Page 14, line 3, 'an' should be replaced with 'the';

Line 14, 'maintain' should be replaced with 'maintains'.

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Page 15, line 21, it is unclear as to what is meant by 'close the outer size'.

Page 17, line 6, 'muffler' should be replaced with 'mufflers';

Line 7, 'havieng' should be replaced with 'having';

Line 12, it is unclear as to what is meant by 'the presence to';

Line 14, 'assemble' should be replaced with 'assembly';

Line 14, it is unclear as to what is meant by 'is prevented to slip out';

Line 21, 'anyi' should be replaced with 'any';

Line 22, 'appropriated' should be replaced with 'appropriate';

Line 28, 'wich' should be replaced with 'which'.

Page 18, line 15, 'a' should be replaced with 'the';

Line 15, 'a a' should be replaced with 'the';

Line 15, 'contuit' should be replaced with 'conduit';

Line 16, 'an' should be replaced with 'the';

Line 19, it is unclear as to what is meant by 'chicane';

Line 24, 'an' should be replaced with 'the';

Line 27, 'loer' should be replaced with 'lower'.

Page 19, line 5, 'screws.' should be replaced with 'screws'.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, line 3, it is unclear as to where the 'chamber' is located with respect to the 'canister';

Line 3, 'the working air' lacks proper antecedent basis;

Lines 20 and 23, 'debris' should be replaced with 'dirt' to correspond with line 3;

Lines 22 and 24, 'dampening' should be deleted;

Line 25, it is unclear as to what is meant by 'debrist'; should it be 'dirt'?

Line 27, 'dampening' should be deleted;

Line 28, it is unclear as to what is meant by 'reduce direct motion of noise';

Line 29, it is unclear as to which chamber 'the chamber' refers; the chamber for collection or the acoustic chamber?

Line 32, 'characterized in that' should be replaced with a phrase used in standard U.S. practice;

Line 32, it is unclear as to which plate 'the plate' refers;

Line 36, it is unclear as to what is meant by 'solid contact';

Line 36, it is unclear as to which plate 'said plate' refers.

Claims 2-4 and 6-19, line 1, 'A' should be replaced with 'The'.

Claim 5, line 3, 'the working air' lacks proper antecedent basis;

Line 25, 'tank' should be replaced with 'chamber';

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Line 27, it is unclear as to what is meant by 'reduce direct motion of noise';

Line 27, it is unclear as to which chamber 'the chamber' refers; the collection chamber or the acoustic dampening chamber?

Line 31, 'characterized in that' should be replaced with a phrase used in standard U.S. practice;

Line 35, it is unclear as to what is meant by 'solid contact'.

Claim 6, line 1, 'the pathway' lacks proper antecedent basis;

Line 2, it is unclear as to what is meant by 'represents a portion of circle'.

Claim 8, line 4, it is unclear as to what is meant by 'alignedt'.

Claim 10, line 5, 'dampening' should be inserted after 'acoustic'.

Claim 14, line 1, 'a set of second baffles' lacks a 'first' set of baffles; claim 5, line 25 mentions a 'first baffle means'.

Claim 18, line 5, 'the second member' lacks proper antecedent basis.

Claim 19, line 2, 'vacuum' should be inserted after 'central'.

***Allowable Subject Matter***

9. Claims 1 and 5 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. Claims 2-4 and 6-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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11. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a vacuum power unit having a canister with a sidewall and hollow interior, a chamber for collecting dirt, a first plate with a first opening extending across the hollow interior, a second plate extending across the hollow interior, a motor-fan assembly and a filtering means HOWEVER fails to disclose or fairly suggest a duct means having a sidewall, a hollow interior, a first end and a second end, the first end being mounted on the first plate and having the hollow interior in fluid communication with the first opening of the first plate, the second end being mounted to the second plate and having the hollow interior in fluid communication with the first opening of the second plate, the first and second plate defining with the sidewall of the canister and the sidewall of the duct means an acoustic chamber provided with a lining of sound absorbing material and an outlet in the sidewall of the canister.

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wörwag and Miller disclose vacuum cleaners having a canister with a hollow interior and two plates therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

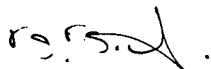


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 879-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Theresa T. Snider  
Primary Examiner  
Art Unit 1744



TTS

12/1/03